

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION

No. 4:22-CR-00001-M

UNITED STATES OF AMERICA

v.

WILLIAM MICHAEL MCCOY

UNOPPOSED  
MOTION TO  
CONTINUE SENTENCING

The Defendant, William Michael McCoy, by and through undersigned counsel, respectfully moves the Court to continue the sentencing hearing in the above-captioned case currently scheduled for December 6, 2022 to the Court's December term of court. The following is offered in support of this motion:

1. On January 11, 2022, Mr. McCoy was named in an eight-count Criminal Indictment charging him with four counts of Manufacturing/Production of Child Pornography, in violation of Title 18, U.S.C. §§ 2251(a) and (e); three counts of Receipt of Child Pornography, in violation of Title 18, U.S.C. §§ 2253A(a)(2); one count of Possession of Child Pornography, in violation of Title 18, U.S.C. §§ 2251A(a)(5)(B) .
2. The Office of the Federal Public Defender was appointed to represent Mr. McCoy on January 20, 2022 and defense counsel entered his notice of appearance on January 24, 2022.
3. On July 27, 2022, Mr. McCoy entered a plea of guilty pursuant to a plea agreement as to Count Five of the Indictment. The plea agreement includes the standard appellate waiver. McCoy was allowed to remain out of custody on pretrial release conditions.
4. Mr. McCoy's pretrial release was revoked on October 21, 2022 and he is currently in custody at Pamlico County Jail. .

5. The sentencing for this matter is currently set for December 6, 2022 at 2:45 p.m in Wilmington.
6. Undersigned counsel has retained an expert to consult with Defendant McCoy and assist in the sentencing process. The expert's consultation and related work will not be completed early enough prior to the December 6 court setting to be reviewed with Defendant McCoy, incorporated into any sentencing material submitted to the Court, or otherwise fully utilized for its intended purposes.
7. Accordingly, defense counsel respectfully requests that the sentencing hearing be continued to the Court's January 2023 term of court.
8. Assistant United States Attorney Jake Pugh was contacted and has no objections to the continuance requested herein.
9. This motion is made in good faith and not for purposes of delay. Neither the government nor the Defendant would be prejudiced by the request sought herein.
10. The ends of justice served by this Motion outweigh the interests of the public and the defendant in a speedy trial. The period of delay resulting from granting this continuance should therefore be excluded from the calculation of speedy trial time pursuant to 18 U.S.C. § 3161(h)(8)(A).

WHEREFORE, the defendant respectfully requests that the sentencing in this matter be continued to the December term of court. The ends of justice served by this Motion outweigh the interests of the public and the Defendant in a speedy trial as set forth in 18 U.S.C. § 3161 (h)(7)(A).

Respectfully submitted this 22<sup>nd</sup> day of November, 2022.

G. ALAN DuBOIS  
Federal Public Defender

/s/ David W. Venable  
DAVID W. VENABLE  
Assistant Federal Public Defender  
Attorney for Defendant  
Office of the Federal Public Defender  
150 Fayetteville Street, Suite 450  
Raleigh, North Carolina 27601  
Telephone: 919-856-4236  
Fax: 919-856-4477  
E-mail: [David\\_Venable@fd.org](mailto:David_Venable@fd.org)  
N.C. State Bar No. 23307  
LR 57.1 Counsel Appointed

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was served upon:

Jake D. Pugh  
United States Attorney's Office - EDNC  
150 Fayetteville Street, Suite 2100  
Raleigh, NC 27601  
919-856-4530  
Email: [jacob.pugh@usdoj.gov](mailto:jacob.pugh@usdoj.gov)

by electronically filing the foregoing with the Clerk of Court on November 22, 2022, using the CM/ECF system which will send notification of such filing to the above.

This the 22<sup>nd</sup> day of November, 2022.

/s/ David W. Venable  
DAVID W. VENABLE  
Assistant Federal Public Defender  
Attorney for Defendant  
Office of the Federal Public Defender  
150 Fayetteville Street, Suite 450  
Raleigh, North Carolina 27601  
Telephone: 919-856-4236  
Fax: 919-856-4477  
E-mail: [David.Venable@fd.org](mailto:David.Venable@fd.org)  
N.C. State Bar No. 23307  
LR 57.1 Counsel Appointed